

REMARKS/ARGUMENTS

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed January 22, 2004, setting a three-month shortened statutory period for response ending April 22, 2004. With this amendment, claims 22, 33-34, and 43 have been amended, and claims 31-32 and 40-41 have been cancelled. Reconsideration, examination and allowance of all pending claims 22-30, 33-39, and 42-50 are respectfully requested.

In paragraph 2 of the Office Action, the Examiner provisionally rejected claims 22-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-50 of copending Application No. 09/723,003. In addition, in paragraph 3 of the Office Action the Examiner also provisionally rejected claims 22-50 as being unpatentable over claims 22-38 of copending Application No. 10/060,125. According to the Examiner, “[a]lthough the conflicting claims are not identical, they are not patentable distinct from each other because the relatively broad subject matter claimed in the instant application clearly would have been obvious in view of the relatively detailed subject matter of the copending application.”

In response to these rejections, Applicants note that various amendments have been made to claims 22, 34 and 43, obviating the Examiner’s obviousness-type double patenting rejection of claims 21-50. More specifically, amendments made to claims 22, 34, and 43 adding further limitations renders those claims patentably distinct from the claims contained in the cited applications.

In paragraph 5 of the Office Action, the Examiner rejected claims 28-33 and 37-42 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that there is insufficient antecedent basis for the recitation "the docking member" contained in lines 1 and 2.

In response to these rejections, Applicants have amended independent claims 22 and 34 to recite "a docking member", thereby providing antecedent support for rejected claims 28-30 and 37-39. Dependent claim 33 has also been similarly amended to recite "the docking member" to overcome the indefiniteness rejection of that claim.

In paragraph 7 of the Office Action, the Examiner rejected claims 22-50 under 35 U.S.C. § 102(b) as being anticipated by *Palestrant* (U.S. Patent No. 4,832,055). The Examiner states that Figures 10A-10C of *Palestrant* discloses a guidewire (126) disposed within a sheath (174), a filter (152) having ribs or a tapered frame (130,132,134), and a tapered stop member (151) coupled to the distal end of the guidewire (126).

In response to these rejections, Applicants have amended independent claims 22 and 34 to incorporate the limitations contained in cancelled claims 31-32 and 40-41, reciting that the docking member includes a channel adapted to receive a portion of the filter therein.

Independent claim 43 has been amended to recite that the filter has a proximal end and a distal end which are both slidable on the guidewire. Only end 142 of filter 120 of *Palestrant* is slidable relative to wire 126. End 140 is fixed to wire 126.

Applicants respectfully assert that *Palestrant* does not disclose or suggest a docking member or a stop including a channel adapted to receive a portion of a filter therein or a filter wherein both the proximal and distal ends are slidable over the wire. In *Palestrant*, a number of filter legs (129,131,133,135) extending from a connector 140 are

used to secure a blood clot filter 120 to the internal walls (208,210) of a blood vessel. As can be clearly seen in Figures 10A-10C, the filter legs 129,131,133,135) in *Palestrant* do not include a channel adapted to receive a portion of the blood clot filter (120) therein, but instead comprise a number of wires that form a filtering surface upon which blood clots can be collected. As such, Applicants respectfully submit that amended claims 22, 34 and 43 are now in condition for allowance.

Because independent claims 22, 34, and 43 are allowable, dependent claims 23-30, 33, 35-39, 42, and 44-50 are also allowable for the reasons stated above, and since they add other significant elements to distinguish them from the cited prior art.

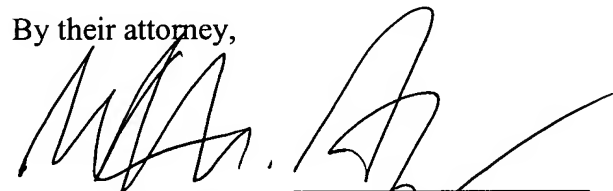
In view of the foregoing, Applicants respectfully assert that all pending claims 22-30, 33-39, and 42-50 are in condition for allowance. Reexamination and reconsideration are respectfully requested. If the Examiner would like to discuss the Application or it examination, please call the undersigned attorney at (612) 677-9050.

Respectfully submitted,

THOMAS E. BROOME ET AL.

By their attorney,

Dated: April 22, 2004



Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2402
Telephone: (612) 677-9050
Facsimile: (612) 359-9349